

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES SECURITIES AND	:
EXCHANGE COMMISSION,	:
	:
Plaintiff,	:
	:
-v.-	:
	:
COLLECTOR’S COFFEE INC., et al.,	:
	:
Defendants.	:
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ORDER  
19 Civ. 4355 (VM) (GWG)

**GABRIEL W. GORENSTEIN, United States Magistrate Judge**

On July 1, 2019, the parties consented under 28 U.S.C. § 636(c) to, inter alia, the undersigned’s ruling on “[p]laintiff’s motion for an asset freeze, and other relief, including a preliminary injunction (Docket # 8 et seq.)” Docket # 59.<sup>1</sup> Such partial consent under § 636(c) is authorized by virtue of § 636(c)’s provision that consent may be given to “any . . . proceeding[] . . .” in a civil matter. In accordance with the partial consent, the Court held a hearing and ruled on the motion for a preliminary injunction by means of an Opinion and Order dated October 4, 2023. See Docket #1284.

As a result, the Opinion and Order is not reviewable by a district judge under Fed. R. Civ. P. 72. Instead, any review must had be pursuant to Fed. R. Civ. P. 73. See generally RoDa Drilling Co. v. Siegal, 552 F.3d 1203, 1205 (10th Cir. 2009) (Circuit Court of Appeals conducts direct review of grant of preliminary injunction by magistrate judge where there had been only partial consent (as reflected in Docket # 69 in 4:07 Civ. 00400 (N.D. Okla.)).

In light of these circumstances, the filing labelled “Objection,” see Docket # 1308, which seeks to “object” under Fed. R. Civ. P. 72 to the Opinion and Order granting the preliminary injunction, is deemed a nullity and the Court will not consider it.

SO ORDERED.

Dated: October 19, 2023  
New York, New York

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<sup>1</sup> Because the relief defendant, Veronica Kontilai, had not signed the original consent form, the parties submitted a second consent form several months later as to the preliminary injunction motion that included her attorney’s signature as well as the signatures of the attorneys for the other parties. See Docket # 143.



  
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GABRIEL W. CORENSTEIN  
United States Magistrate Judge